

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7815 of 2005

Between:

B.Baloji S/o.Lalu, Conductor
Kodad, Nalgonda District.

..... PETITIONER

AND

The Depot Manager, Andhra Pradesh State Road
Transport Corporation, Kodad, Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or directions more in the nature of writ of Mandamus declaring the office order dt.28.5.1994 as illegal and arbitrary and set aside the same with all consequential benefits including arrears and pass such other orders.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondent: MR.V.T.M.PRASAD

The Court at the admission stage made the following :

ORDER:

The petitioner filed this writ petition for declaration of the office order dt.28.5.1994 as illegal and arbitrary.

Mr. P. Govinda Rajulu, learned counsel appearing for the petitioner

contended that without conducting any enquiry, major penalty has been imposed on the petitioner and therefore, the impugned proceedings are liable to be set aside.

On the other hand, learned Standing Counsel appearing for the respondents contended that the penalty was imposed in the year 1994 and therefore, there are no grounds to interfere with the impugned proceedings.

For certain irregularities said to have been committed by the petitioner, a charge sheet dated 10-3-1994 was issued to him and he gave an explanation. As the explanation was not satisfactory, the disciplinary authority passed final orders on 28-5-1994 imposing a major penalty of postponement of annual increment for two years with cumulative effect.

Imposing a major penalty without conducting regular departmental enquiry cannot be sustained under law. Admittedly, no regular departmental enquiry was conducted in this case. Though it is a matter to be remitted back to the Disciplinary authority for passing appropriate orders, the learned counsel appearing for the petitioner requested this court to modify the major penalty imposed by the respondent to that of a minor penalty. As the alleged irregularities have taken place in the year 1994, at this point of time, it is not desirable to remit back the matter to the Disciplinary Authority for conducting any regular departmental enquiry and further more, the petitioner has requested to impose a minor penalty. Therefore, the penalty can be modified in view of the peculiar facts and circumstances of the case.

In the result, the writ petition is disposed of modifying the penalty of postponement of two annual increments with cumulative effect to that of postponement of two annual increments without cumulative effect. By virtue of this order petitioner is not entitled to any monetary benefits. In the circumstances, no costs.

K.C. Bhanu, J.

8th April 2005

js.

To

1. The Depot Manager, Andhra Pradesh State Road
Transport Corporation, Kodad, Nalgonda District.

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